

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:04-CR-22-BO

UNITED STATES OF AMERICA,
Plaintiff,

v.

TROY RAEFORD STANLEY,
Defendant.

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ORDER

This matter is before the Court on defendant's motion to obtain copies of court documents without payment. [DE 31]. For the reasons stated herein, defendant's motion is DENIED.

BACKGROUND

Defendant Stanley was sentenced on November 10, 2004 to a term of 22 years' imprisonment after pleading guilty to one count of possession of a firearm in furtherance of a drug trafficking offense in violation of 18 U.S.C. § 924(c). Defendant did not file a direct appeal of his conviction or sentence. Stanley filed the instant motion on June 31, 2017, requesting copies of the docket sheet, indictment, plea agreement, presentence report, and sentencing transcripts without payment. Defendant is requesting these documents to aid him in the filing of a motion pursuant to 28 U.S.C. § 2255.

DISCUSSION

"[T]he Fourth Circuit requires indigent defendants to show a 'particularized need'" for requested documents prior to their being provided at government expense. *United States v. Holloman*, 2013 U.S. Dist. LEXIS 99748, *3 (E.D.N.C. Jul. 17, 2013); *see also* 28 U.S.C. § 753(f) (United States shall pay the fee for transcript where action under § 2255 has been certified not to be frivolous). An indigent defendant is not entitled to a transcript at government expense in order

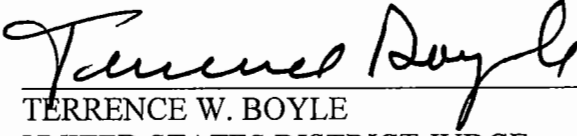
to “merely [] comb the record in the hope of discovering some flaw.” *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963). Stanley has not provided any justification to receive the requested documents at government expense other than his intent to file a § 2255 motion. Accordingly, in the absence of any demonstration otherwise, it appears Stanley seeks merely to “comb the record.” His motion requesting copies of court documents without payment is therefore denied.

CONCLUSION

For the foregoing reasons, defendant’s motion to obtain copies [DE 31] is DENIED.

SO ORDERED.

This the 7th day of January, 2018.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE